

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:18-cv-159-FDW**

JEROME THOMAS,

Plaintiff,

vs.

**AVERY-MITCHELL CORRECTIONAL)
INSTITUTION, et al.,)

Defendants.)**

ORDER

THIS MATTER is before the Court on its August 15, 2018, Order requiring Plaintiff to file an Amended Complaint. (Doc. No. 6). The Court warned Plaintiff that failing to file an Amended Complaint within 30 days would result in this case's dismissal without prejudice. (Doc. No. 6 at 9-10). Plaintiff has not filed an Amended Complaint and the time to do so has expired.


Plaintiff has failed to comply with the Court's August 15, 2018, by filing an Amended Complaint, Plaintiff appears to have abandoned this case, and the Court is unable proceed. This case is therefore dismissed without prejudice. Fed. R. Civ. P. 41(b) ("If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it."); Link v. Wabash R.R. Co., 370 U.S. 626, 631-33 (1962) (although Rule 41(b) does not expressly provide for *sua sponte* dismissal, a district court has the inherent power to dismiss a case for lack of prosecution or violation of a court order).

IT IS, THEREFORE, ORDERED that:

- (1) This action is dismissed without prejudice for Plaintiff's failure to file an Amended Complaint pursuant to this Court's order dated August 15, 2018.

(2) The Clerk of this Court is directed to terminate this action.

Signed: September 7, 2018



Frank D. Whitney
Chief United States District Judge

